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Offic al transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Welhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 29 November, 1945, 1000-1030, Lord Justice Lawrence, presiding.

MR. ALDERMAN: May it please the Tribunal:

Before I resume to the consideration of Mr. Messersmith's second affidavit, Document 2385-PS, U.S.A. Exhibit 63, I should like to consider briefly the status of the evidence before this Tribunal, of the matter stated in the first Messersmith affidavit, introduced by the United States, Document 1760-PS, U.S.A. Exhibit 57. You will recall that Mr. Messersmith, in that affidavit, made the following general statement:

First, that although Nazi Germany stated that it would respect the independence of Austria, in fact, it intended from the very beginning to conclude an Anschluss and that defendant Von Papen was working toward that end.

Second, that although Nazi Germany pretended, on the surface, to have nothing to do with the Austrian Nazis, in fact they kept up contact with them and gave them support and instruction.

Third, that while they were getting ready for their eventual use of force in Austria, if necessary, the Nazis were using quiet infiltrating tactics to weaken Austria internally, though the use of Christian-front personalities, who were not flagrantly Nazis, and could be called what they referred to as Nationalist opposition and through the device of developing new names for Nazi organizations, so that they could be brought into the Fatherland Front of Austria corporatively, that is as an entire group.

Now let us see, briefly, what some of our German documents proved, in support of some of these general statements in the Messersmith affidavit. The excerpts I have already read out of the report from Rainer to Buerckel, enclosed in the letter to Seyss-Inquart, Document 812-PS, U.S.A. Exhibit 61, showed first, that the Austrian Nazi groups kept up contacts with the Reich, although they did it secretly, in accordance

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with instructions from the Fuehrer.

Second, that they continued their organization on a secret basis so as to be ready, in what they referred to, as an emergency.

Third, that they used persons like Seyss-Inquart and Glaise Horstenau, who had what they called good legal positions, but who could be trusted by the Nazis and that five days after the Pact of July 11, 1936, between Germany and Austria, a Pact which specifically pledged the German Government not to interfere, either directly or indirectly in the internal affairs of Austria, including the question of Austrian National Socialism, the Austrian Nazis met with Hitler at Obersalzburg and received new instructions, and finally, that Hitler then used Keppler, whose name we shall again meet in a short while in a significant manner, as his "contact man" with Austrian Nazis, with full authority to act for the Fuehrer in Austria, to work with the leaders of the Austrian Nazis.

Then we offered Document 2247-PS, U.S.A. Exhibit 64, Von Papen's letter of July 27, 1935, which reviewed the situation one year after Dollfuss' death, and pointed out how National Socialism could be made to link for the Anschluss and how National Socialism could overcome the Austrian ideologies and in which he identified himself completely with the National Socialist goal.

We offered Document 2246-PS, U.S.A. Exhibit 67, Von Papen's letter to Hitler of September 1, 1936, which showed how Von Papen advised using both economic and continuing psychological pressure; that he had conferences with leaders of the illegal Austrian Party; that he was trying to direct the next developments in such a way as to get corporative representation of the Nazi movement in the Fatherland Front and that meanwhile he was not ready to urge that avowed National Socialists be put in prominent positions, but was quite satisfied with collaborators, like Glaise-Horstenau.

I think that practically all of the statements in Mr. Messersmith's affidavits have been fully supported by these documents, German documents, which we have introduced. Certain parts of the affidavits cannot be corroborated by documents, in the very nature of things, and I refer specifically to Mr. Messersmith's conversation with the defendant Von Papen

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in 1934, which I read to the Tribunal yesterday. But I think these matters are manifestly just as true and just as clear of the Defendant's guilt and complicity.

Yesterday, I was reading to the Tribunal, selected excerpts from Mr. Messersmith's second affidavit, 2385-PS, U.S.A. Exhibit 68, relating to the diplomatic preparations for war. Prior to adjournment, I had read to the Tribunal excerpts, which established the following propositions:

First, Nazi Germany undertook a vigorous campaign to break up the diplomatic agreements existing in 1933; first in the west, the Locarno Pact,

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supplemented by the French-Belgium agreement: second, in the east, the Little Entente, including Czechoslovakia and Poland, and their respective mutual assistance pacts with France, the French-Polish Pact: third, as for Austria, the special concern of Italy for her independence, that is for Austrian independence.

In the second place, Nazi Germany countered these alliances with extravagant and sometimes inconsistent promises of territorial gain to countries in Southeastern Europe, including Hungary, and Poland.

In the third place, Mr. Messersmith wrote an official communication to the State Department, pointing out that persons like von Neurath and von Papen were able to work more effectively in making these promises and in doing their other work, just because they, and I quote, "propagated the myth that they are not in sympathy with the regime."

In the fourth place, in fact, high ranking Nazis openly stated that Germany would honor her international obligations only so long as it suited her to do so.

There are two more excerpts I wish to read from this affidavit.

France and Italy worked actively in southeastern Europe to counter German moves, as I said yesterday. France made attempts to promote an East Locarno Pact and to foster an economic accord between Austria and the other Danubian powers. Italy's effort was to organize an economic block of Austria, Hungary, and Italy. But Germany foiled these efforts by redoubling its policies of loot, by continuing its armament and by another very significant strategy, that is the Fifth Column strategy; that the Nazis stirred up internal dissension within neighboring countries to disunite and weaken their intended victims.

I read now from page 7 of the English copy of the second Messersmith affidavit, Document 2385-PS, U.S.A. Exhibit 68, the paragraph beginning in the middle of the page.

"At the same time that Germany held out such promises of reward for cooperation in her program, she stirred up internal dissensions within these countries themselves and in Austria and Czechoslovakia in particular,

all of which was designed to so weaken all opposition and strengthen the pro-Nazi and Fascist groups as to insure peaceful acquiescence in the German program. Her machinations in Austria I have related in detail, as they came under my direct observation, in a separate affidavit. In Czechoslovakia they followed the same tactics with the Sudeten Germans. I was reliably informed that the Nazi Party spent over 6,000,000 marks in financing the Henlein Party in the elections in the Spring of 1935 alone. In Yugoslavia she played on the old differences between the Croats and the Serbs and the fear of the restoration of the Hapsburgs in Austria. It may be remarked here that this latter was one of the principal instruments and most effective ones which Nazi Germany used as the fear in Yugoslavia, in particular, of a restoration of the Hapsburgs was very real. In Hungary she played upon the agrarian difficulties and at the same time so openly encouraged the Nazi German elements in Hungary as to provoke the Government of Hungary to demand the recall of von Mackensen in 1936. In Hungary and in Poland she played on the fear of Communism and Communist Russia. In Rumania she aggravated the existing anti-semitism, empha sizing the important role of the Jews in Rumanian industry and the Jewish ancestry of Lupescu. Germany undoubtedly also financed the Fascist Iron Guard through Codreneau.

"Such 'diplomatic' measures reinforced by Germany's vast rearmament program had a considerable effect, particularly in Yugoslavia, Poland and Hungary, and sufficient at least to deter these countries from joining any combination opposed to German designs, even if not enough to persuade them to actively ally themselves with Nazi Germany. Important political leaders of Yugoslavia began to become convinced that the Nazi regime would remain in power and would gain its ends and that the course of safety for Yugoslavia was to play along with Germany."

I shall not take the time of the Tribunal to read into evidence the detailed, official dispatches which Mr. Messersmith sent to the American State Department, showing that Yugoslavia, Hungary and Poland were beginning to follow the German line.

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As for Italy, Germany's initial objective was to sow discord between Yugoslavia and Italy, by promising Yugoslavia Italian territory, particularly Trieste. This was to prevent France from reaching an agreement with them and to block an East Locarno Pact. On that, I quote again from Document 2385-PS, U.S.A. Exhibit 68, the second Messersmith affidavit, on page 10, at the middle of the page in the English version:

"While Italy openly opposed efforts at Anschluss with Austria in 1934, Italian ambitions in Abyssinia provided Germany with the opportunity to sow discord between Italy and France and England and to win Italy over to acceptance of Germany's program in exchange for German support of Italy's plans in Abyssinia."

That, if the Tribunal please, paved the way for the Austro-German declaration or pact of 11 July, 1936.

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That, if the Tribunal please, paved the way for the Austro-German Declaration or Pact of 11 July, 1936; and in the Fall of 1936, Germany extended the hand of friendship and common purpose to Italy, in an alliance which they called the "Rome-Berlin Axis." This, together with Germany's alliance with Japan, put increasing pressure on England, and greatly increased the relative strength of Germany.

Thus, by means of careful preparation in the diplomatic field, among others, the Nazi conspirators had woven a position for themselves, so that they could seriously consider plans for war, and begin to outline timetables, not binding timetables, and no specific ones, in terms of months and days, but still general timetables, in terms of the Germans, which were the necessary foundation for further aggressive planning, and a spur to more specific planning. That timetable was developed, as the Tribunal has already seen, in the conference of 5 November 1937, contained in our Document No. 386 PS, USA 25, the Hoszbach Minutes of that conference, which I adverted to in detail on Monday last.

In those minutes, we see the crystallization of the plan to wage aggressive was in Europe, and to seize both Austria and Czechoslovakia, and in that order.

In connection with the exposition of the aggression on Austria, I have shown first the purpose of the Nazi conspiracy, with respect to the absorption of Austria, and then the steps taken by them up to this period, that is, November 1937.

I have also outlined for the Tribunal the general diplomatic preparations of the Nazi conspirators, with respect to their program in Europe, generally, and with respect to Austria, in particular.

It may now be profitable to reconsider the minutes of the meeting of 5 November, 1937, in the light of this more-detailed background. It will be recalled that in that meeting, the Fuehrer insisted that Germany must have more space in Europe. He concluded that the space required must be taken by force; and three different possible cases were outlined for different eventualities, but all reaching the conclusion that the problem would certainly have to be solved before 1943 to 1945.

Then there was envisaged the nature of a war in the near future,

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specifically against Austria and Czechoslovakia. Hitler said that for the improvement of Germany's military and political positions, it must be the first aim of the Nazis, in every case of entanglement by war, to conquer Czechoslovakia and Austria simultaneously, in order to remove any threat from the flanks, in case of a possible advance westward.

Hitler then considered that the embodiment into Germany of Czechoslovakia and Austria, would constitute the conquest of food for from five to six million people, including the assumption that the comprehensive forced emigration of one million people from Austria could be carried out.

He further pointed out that the annexation of the two states to Germany, both militarily and politically, would constitute a considerable relief, since they would provide shorter and better frontiers; would free fighting personnel for other purposes; and would make possible the reconstitution of a large new German Army.

Insofar as Austria is concerned, those minutes reveal a crystallization in the policy of the Nazi conspirators. It had always been their aim to acquire Austria. At the outset, a revolutionary putsch was attempted, but that failed. The next period was one of surface recognition of the independence of Austria, and the use of devious means to strengthen the position of the Nazis, internally, in Austria.

Now, however, it became clear that the need for Austria, all agreed, in the light of the larger aggressive purposes of the Nazi conspirators, was sufficiently great to warrant the use of force, in order to obtain Austria with the speed that was designed. In fact, as we shall see later, the Nazis were actually able to secure Austria, after having weakened it internally, and removed from it the support of other nations, merely by setting the German military machine into motion, and making a threat of force.

The German armies were able to cross the border and secure the country without the necessity of firing a shot. Their careful planning for war, and their readiness to use war as an instrument of political action, made it possible in the end for them to pluck this plum without having to fight a blow for it.

The German High Command had, of course, previously considered preparations

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against Austria.

I offer in evidence another German document, C-175, as EXHIBIT USA 69. It, again, is "Top Secret", with the added legend in German "Chefsache Nur Durch Offizier," "Chief Matter only to be delivered to an Officer."

This was a Top Secret directive of 24 June, 1937, of the Reichminister For War, and Commander in Chief of the Armed Forces, General von Blomberg. The importance of this Top Secret directive is indicated by the fact that the carbon copy, received by the Commander in Chief of the Navy, was one of only four copies, establishing the directive for a unified preparation for war of all the armed forces.

This directive from General von Blomberg states, that although the political situation indicates that Germany need not consider an attack from any side, and also states that Germany does not intend to unleash an European war, it then states in Part 1, and I quote from Page 2 of the English text, which, I believe, is Page 4, Third Paragraph of the German text:

"The intention to unleash a European War is held just as little by Germany. Nevertheless, the politically fluid world situation, which does not

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preclude surprising incidents, demands a continuous preparedness for war of the German Armed Forces.

"a) to counter attacks at any time.

"b) to enable the military exploitation of politically favorable opportunities, should they occur."

The directive then indicates that there will be certain preparations of a general nature for war. I quote the first two portions of Paragraph 2, on Page 2 of the English text, and I think Page 5 of the German text:

"2). The preparations of a general nature include:

"a). The permanent preparedness for mobilization of the German Armed Forces, even before the completion of rearmament, and full preparedness for war.

"b). The further working on 'Mobilization without public announcement' in order to put the Armed Forces in a position to begin a war suddenly and by surprise, both as regards strength and time."

And the directive finally indicates that there might be special preparations for war against Austria. I quote from Part 3, which is on Page 4 of the English text, and Page 19 of the German text:

"I). Special Case 'Otto.'"

"Case Otto," as you will repeatedly see, was the standing code name for aggressive war against Austria. I quote:

"'Armed intervention in Austria in the event of her restoring the Monarchy.

"The object of this operation will be to compel Austria by armed force to give up a restoration.

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"Making use of the domestic political divisions of the Austrian people, the march in will be made in the general direction of Vienna, and will break any resistance."

I should now like to call attention to two conversations, held by United States Ambassador Bullitt with the defendants, Schacht and Goering, in November 1937.

DR. FRANZ EXNER: I am Prof. Exner, defending Colonel-General Jodl. I should like to state my objection to the manner in which Document C-175 has been treated. This document repeats a document of the General Staff, which prepares for all kinds of possibilities of war. The possibility has even been that you have in this document that Germany might have had to have a war with Spain.

This document was only read partially, and only the part relating to Austria; and in that way, the appearance was created as if it were planned to march against Austria, whereas it actually says the German Reich had no intention to attack at that time, but was merely preparing for all eventualities.

I should like to request that the reading of this document should be supplemented by the reading at least of the paragraphs of this document which come after it. If these paragraphs of the document are placed before the court, it will be seen that this was not a plan to march against Austria, but simply a document preparing for all possible eventualities.

THE PRESIDENT: Dr. Exner, your objection does not appear to be to the admissibility of the document, but to the weight of the document. The Tribunal has already informed defendants Keitel and Jodl that they will have the opportunity at the appropriate time, when they come to

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prepare their defense, to refer to any document, parts of which have been put in by the prosecution, and to read such parts as they think necessary then, and to make what criticism they think necessary then.

Your objection is therefore premature, because it does not go to the admissibility of the document. It simply indicates a wish that more of it shdl be read. You will have an opportunity later to read any parts of the document which you wish.

MR. ALDERMAN: I suppose, if the Tribunal please, that the fundamental basis of the objection just stated by distinguished counsel, must have been his theory that Germany never made any plans to invade Austria, and if so, it would seem to follow that Germany never invaded Austria, and perhaps history is mistaken.

I had adverted to two conversations, held by United States Ambassador Bullitt with the defendants Schacht and Goering, in November 1937.

For this purpose, I offer in evidence our Document L-151, offered as EXHIBIT USA 70.

It is a dispatch from Mr. Bullitt, American Ambassador in Paris, to the American Secretary of State, on 23 November, 1937.

Now, again, if the Tribunal, please, we are embarrassed, because that document is not in the document book before the members of the Tribunal. It has been furnished in German translation to the Defense Counsel.

THE PRESIDENT: We have got it in German, apparently.

MR. ALDERMAN: I expect you have, yes; you have the German version.

If the Tribunal will permit, I will read from the original exhibit. On top, is a letter from

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Ambassador Bullitt to the Secretary of State, November 23, 1937, stating that he visited Warsaw, stopped in Berlin en route, where he had conversations with Schacht and Goering, among others.

On the conversation with Schacht, I read from Page 2 of the report:

"Schacht said that in his opinion, the best way to begin to deal with Hitler, was not through political discussion, but through economic discussion. Hitler was not in the least interested in economic matters. He regarded money as filth. It was therefore possible to enter into negotiations with him in the economic domain without arousing his emotional antipathy; and it might be possible through the

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conversations thus begun to lead him into arrangements in the political and military field, in which he was intensely interested. Hiter was determined to have Austria eventually attached to Germany, and to obtain at least autonomy for the Germans of Bohemia. At the present moment, he was not vitally concerned about the Polish Corridor inasmuch as -- and that is Schacht's opinion -- it might be possible to maintain the Corridor, provided Danzig were permitted to join East Prussia, and provided some sort of a bridge could be built across the Corridor, uniting Danzig and East Prussia with Germany."

And for the defendant, Goering's statements to Ambassador Bullitt, I read from the second memorandum, "Memorandum of Conversation between Ambassador Bullitt and General Hermann Goering," on Page 2 of that document, the second page, following a part of a sentence which is underlined, just below the middle of the page:

"The sole source of friction between Germany and France was the refusal of France to permit Germany to achieve certain vital national necessities.

"If France, instead of accepting collaboration with Germany, should continue to follow a policy of building up alliances in Eastern Europe to prevent Germany from the achievement of her legitimate aims, it was obvious that there would be conflict between France and Germany.

"I asked Goering what aims especially he had in mind. He replied: 'We are determined to join to the German Reich all Germans who are contiguous on the Reich and are divided from the great body of the German race merely by the artificial barriers imposed by the Treaty of Versailles.'

"I asked Goering if he meant that Germany was absolutely determined to annex Austria to the Reich. He replied that this was an absolute determination of the German Government. The German Government, at the present time, was not pressing this matter, because of certain momentary political considerations, especially in their relations with Italy. But Germany would tolerate no solution of the Austrian question other than the consolidation of Austria in the German Reich.

"He then added a statement which went further than any I have heard on this subject. He said, 'There are schemes being pushed now for a union of

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Austria, Hungary, and Czechoslovakia, either with or without a Hapsburg at the head of the unit. Such a solution is absolutely unacceptable to us, anf for us the conclusion of such an agreement would be an immediate casus belli.'"

Goering used the Latin expression "casus belli"; it is not a translation from the German, in which that conversation was carried on.

"I asked Goering if the German Government was as decided in its views with regard to the Germans in Bohemia as it was with regard to Austria. He replied that there could be only one final solution of this question. The Sudetan Germans must enter the German Reich as all other Germans who lived contiguous to the Reich."

These, if the Tribunal please, are official reports made by the accredited representative of the United States in the regular course of business. They carry with them the guarantee of truthfulness of a report made by a responsible official to his own government, recording contemporaneous conversations and events.

My next subject is: Pressure and Threats Resulting in Further Concessions by Austria; a meeting at Berchtesgaden, 12 February, 1938.

As I have stated before, the Austrian Government was laboring under great difficulties imposed by its neighbor. There was economic pressure, including the curtailment of the important tourist trade; and there was what the defendant von Papen called slowly intensified psychological pressure.

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There were increasing demonstrations, plots and conspiracies. Demands were being presented by Captain Leopold, and approval of the Nazis was being espoused by the defendant Seyss-Inquart, the new Councillor of State of Austria. In this situation, Chancellor Schuschnigg decided to visit Hitler at Berchtesgaden.

The official communique of this conference is quite calm; I invite the Tribunal to take judicial notice of it. It is document 2461-PS, the official German communique of the meeting of Hitler and Schuschnigg at Obersalzberg, 12 February, 1938, taken from the official Dokumente Der Deutschen Politik, Vol. 6, 1, page 124, number 21-a.

The communique states that the unofficial meeting was caused by the mutual desire to clarify, by personal conversations, the questions relating to the relationship between the German Reich and Austria.

The communique lists among those present Schuschnigg and his Foreign Minister Schmidt, Hitler and his Foreign Minister Ribbentrop, and the defendant von Papen.

The communique concludes on a rather polite note saying, and I quote: "Both statesmen are convinced that the measures taken by them constitute at the same time an effective contribution toward the peaceful development of the European situation."

A similar communique was issued by the Austrian Government.

But, in fact, and as I think history well knows, the conference was a very unusual and a very harsh one. Great concessions were obtained by the German Government from Austria. The principal concessions are contained in the official Austrian communique of the reorganization of the Cabinet and the general political amnesty, dated 16 February 1939.

That communique, as taken from the Dokumente Der Deutschen Politik, Vol. 6, page 125, number 21-b, is translated in our document 2464-PS. I invite the Court's judicial notice of that communique.

That communique announced a reorganization of the Austrian Cabinet, including, most significantly, the appointment of the defendant

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Seyss-Inquart to the position of Minister of Security and Interior, where he would have control of the police. In addition, announcement was made of a general political amnesty to Nazis convicted of crime.

Two days later another concession was divulged.

I invite the Court's judicial notice to our Document 2469-PS, a translation of the official German and Austrian communique concerning the so-called equal rights of Austrian National Socialists in Austria, 18 February, 1938, Dokumente der Deutschen Politik, Vol. 6, 1, page 128, number 21-d.

That communique announced that pursuant to the Berchtesgaden conference, the Austrian Nazi Socialists would be taken into the Fatherland Front, the single, legal political party of Austria.

THE PRESIDENT: Will you tell us what exhibit numbers those two documents were?

MR. ALDERMAN: I am sorry, sir; Document 2469-PS.

THE PRESIDENT: We haven't had that yet. We have had 2461-PS, which is Exhibit what?

MR. ALDERMAN: I hadn't read it in. I was asking the Tribunal to take judicial notice of this as an official communique.

THE PRESIDENT: You are not going to give it an exhibit number?

MR. ALDERMAN: No, sir.

THE PRESIDENT: Nor 2469?

MR. ALDERMAN: No, sir.

In actual fact, great pressure was put on Schuschnigg at Berchtesgaden. The fact that pressure was exerted, and pressure of a military nature involving the threat of the use of troops, can be sufficiently established from captured German documents.

I have our document 1544-PS, a captured German document, which I offer in evidence as Exhibit USA-71.

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This document consists of the defendant von Papen's own notes on his last meeting with Schuschnigg, on February 26, 1938. I quote the last two paragraphs of these notes. This is von Papen speaking, in his own notes:

"I then introduced into the conversation the widespread opinion that he "--that is, Schuschnigg--" had acted under 'brutal pressure' in Berchtesgaden. I myself had been present and been able to state that he had always and at every point had complete freedom of decision. The Chancellor replied he had actually been under considerable more pressure, he could not deny that. He had made notes on the talk which bore that out. I reminded him that despite this talk he had not seen his way clear to make any concessions, and I asked him whether without the pressure he would have been ready to make the concessions he made late in the evening. He answered: 'To be honest, no.'"

And then von Papen says:

"It appears to me of importance to record this statement.

"In parting I asked the Chancellor never to deceive himself that Austria could ever maintain her status with the help of Non-German, European combinations. This question would be decided only according to the interests of the German people. He asserted that he held the same conviction and would act accordingly."

Thus we have, through the words of von Papen, Schuschnigg's contemporary statement to Papen of the pressure which had been exerted upon him, as recorded by von Papen in an original, contemporaneous entry.

For diplomatic purposes, Papen, who had been at Berchtesgaden, kept up the pretense that there had been no pressure applied.

But the defendant General Jodl, writing the account of current events in his diary, was much more candid. We are fortunate in having General Jodl's handwritten diary, in German script, which I can't read. It is our document 1780-PS, and I offer it in evidence as Exhibit USA-72.

I may say that General Jodl, in interrogations, has admitted that this is his genuine diary in his handwriting.

This diary discloses not only the pressure at Berchtesgaden, but also the fact that for some days thereafter defendant Keitel and Admiral

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Canaris worked out a scheme for shamming military pressure in order, obviously, to coerce President Miklas of Austria into ratifying the agreement. It started from Schuschnigg at Berchtesgaden. It will be noted that the approval of President Miklas was needed to ratify the Berchtesgaden agreement; that is, with respect to naming Seyss-Inquart as Minister of the Interior and Security.

And so the Nazi conspirators kept up the military pressure with threats of invasion for some days after the Berchtesgaden conference in order to produce the desired effect on President Miklas.

I quote from General Jodl's diary, the entries for 11 February, 13 February, and 14 February, 1938.

The entry of 11 February: "In the evening and on 12 February General K "--Keitel--" with General von Reichenau and Sperrle at the Obersalzberg. Schuschnigg, together with G. Schmidt are again being put under heaviest political and military pressure. At 2300 hours Schuschnigg signs protocol.

"13 February: In the afternoon General K "--Keitel--"asks Admiral C"--Canaris--" and myself to come to his apartment. He tells us that the Fuehrer's order is to the effect that military pressure by shamming military action should be kept up until the 15th. Proposals for these deceptive maneuvers are drafted and submitted to the Fuehrer by telephone for approval.

"14 February: At 2:40 o'clock the agreement of the Fuehrer arrives. Canaris went to Munich to the Counter-Intelligence Office VII and initiates the different measures.

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"The effect is quick and strong. In Austria the impression is created that Germany is undertaking serious military p reparations."

The proposals for deceptive maneuvers reported on by defendant Jodl are set forth in document 1775-PS, a captured German document, which I offer in evidence as Exhibit USA-73.

The proposals are signed by the defendant Keitel. Underneath his signature appears a not that the Fuehrer approved the proposal. In the original document that note is handwritten in pencil.

The rumors which Keitel proposed for the intimidation of Austria make very interesting reading. I quote the first three paragraphs of the suggested order:

"1. To take no real preparatory measures in the Army or Luftwaffe. No troop movements or redeployments.

"2. Spread false, but quite credible news, which may lead to the conclusion of military preparations against Austria.

"(a) Through C-men in A ustria.

"(b) Through our customs personnel (staff) at the frontier.

"(c) Through travelling agents.

"3. Such news could be:

"(a) Furloughs are supposed to have been barred in the sector of the VII A.K.

"(b) Rolling stock is being assembled in Munich, Augsburg, and Regensburg.

"(c) Major General Muff, the Military Attache in Vienna, has been called for a conference to Berlin. (As a matter of fact, this is the case.)"

That reminds me of a lawyer from my own home town who

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used to argue a matter at great length, and then he would end up by saying, "and, incidentally, it is the truth".

"(d) The police stations located at the frontier of Austria have called up reinforcements.

"(e) Custom officials report about the imminent maneuvers of the Mountain Brigade (Gebirgsbrigade) in the region of Freilassing, Reichenhall and Berchtesgaden".

The total pattern of intimidation and rumor was effective, for in due course, as we have already seen from the communique referred to, President Miklas verified the Berchtesgaden agreement which foreshadowed National Socialist Austria, and then the events culminating in the actual German invasion on 12 March 1938.

Mr. President, would this be a convenient moment for a recess?

THE PRESIDENT: We will adjourn for 10 minutes.

(Whereupon at 1130 hours a short recess was taken.)

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MR. ALDERMAN: May it please the Tribunal, I had reached the subject of the events culminating in the German invasion of Austria on 12 March 1938, and first under that, the plebiscite the preparations for both German and Austrian national socialist.

The day after his appointment as Minister of the Interior of Austria, Seyss-Inquart flew to Berlin for a conference with Hitler. I invite the court to take judicial notice of the official German communique covering that visit of Seyss-Inquart to Hitler, as it appeared in the "Documents der Deutschen Politik, Volum 6-1, page 128, Number 21c, a copy of which will be found in our document 2484-PS.

On March 9, 1938, three weeks after Seyss-Inquart had been put in charge of the police of Austria and was in a position to direct their handling of the National Socialists in Austria - three weeks after the Nazis began to exploit their new prestige and position with its quota of further victories - Schuschnigg made an important announcement.

On March 9, 1938, Schuschnigg announced that he would hold a plebiscite throughout Austria, the following Sunday, March 13, 1938. The question to be submitted in the plebiscite was: "Are you for an independent and social, a Christian, German and united Austria?" A "Eys" answer to this question was certainly compatible with the agreement made by the German government on 11 July 1936 and who have ... I beg your pardon, and carried forward at Berchtesgarden on 12 February 1938. Moreover, for a long while the Nazis had been demanding a plebiscite on the question of Anschluss, but the Nazis apparently appreciated the likelihood of a strong "Yes" vote on the question put by Schuschnigg in the plebiscite and they could not tolerate the possibility of such a vote of confidence in the Schuschnigg government.

In any case, as events showed, they took this action to overturn the Austrian government. Although the plebiscite was not announced until the evening of 9 March, the Nazi's organization received word about it earlier in that day. It was determined by the Nazis that they

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had to ask Hitler what to do about the situation, (that is, the Austrian Nazis), and that they would prepare a letter of protest against the plebiscite from Seyss-Inquart to Schuschnigg; and that, pending Hitler's approval, Seyss-Inquart would pretend to negotiate with Schuschnigg about details of the plebiscite.

This information is all contained in the report of Gauleiter Reiner to Reichscommissioner Buerckel, transmitted, as I have already pointed out, to Seyss-Inquart, and which has already been received in evidence - our document 812-PS, U.S.A. 61.

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I quote briefly from page 7 of the English text, the paragraph beginning on page 11 of the German original:-

"The Landesleitung received word about the planned plebiscite through illegal information services, on 9 March 1938 at 10 a.m. At the session which was called immediately afterwards, Seyss-Inquart explained that he had known about this for only a few hours, but that he could not talk about it because he had given his word to keep silent on this subject. But during the talks, he made us understand that the illegal information we received was based on truth, and that in view of the new situation, he had been cooperating with the Landesleitung from the very first moment. Klausner, Jury, Rainer, Globocnik and Seyss-Inquart were present at the first talks which were held at 10 a.m. There it was decided that first, the Fuehrer had to be informed immediately; secondly, the opportunity for the Fuehrer to intervene must be given to him by way of an official declaration made by Minister Seyss-Inquart to Schuschnigg; and thirdly, Seyss-Inquart must negotiate with the government until clear instructions and orders were received from the Fuehrer. Seyss-Inquart and Rainer together composed a letter to Schuschnigg, and only one copy of it was brought to the Fuehrer by Globocnik, who flew to him on the afternoon of 9 March 1938.

"Negotiations with the government were not successful. Therefore, they were stopped by Seyss-Inquart in accordance with the instructions he received from the Fuehrer. On the 10th March, all preparations for future revolutionary actions had already been made, and the necessary orders given to all unit leaders. During the night of the 10th and 11th, Globocnik returned from the Fuehrer with the announcement that the Fuehrer gave the party freedom of action, and that he would back it in everything it did."

That means, the Austrian Nazi party.

Next, Germany's actual preparations for the invasion and the use of force.

When news of the plebiscite reached Berlin, it started a

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tremendous amount of activity. Hitler, as history knows, was determined not to tolerate the plebiscite. Accordingly, he called his military advisers and ordered the preparation of the march into Austria.

On the diplomatic side, he started a letter to Mussolini indicating why he was going to march into Austria, and in the absence of the defendant Ribbentrop (who was temporarily detained in London), the defendant Von Neurath took over the affairs of the Foreign Office again.

The terse and somewhat disconnected notes in General Jodl's diary give a vivid account of the activities in Berlin. I quote from the entry of 10th March.

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"By surprise and without consulting his ministers, Schuschnigg ordered a plebiscite for Sunday, 13 March, which should bring a strong majority for the legitimate party in the absence of plan or preparation. The Fuehrer is determined not to tolerate it.

"This same night, March 9 to 10, he called for Goering. General Von Reichenau is called back from the Cairo Olympic Committee. General Von Neubauer is ordered to come as well as Minister Glaise-Horstenau, who is with the district leader, Gauleiter Buerckel, in the Platnik. General Keitel communicates the facts at 1:45. He drives to the Reichskanzlei at ten o'clock. I follow at 10;15, according to the wish of General Von Wiemann, to give him the orderly draft "Prepare Case Otto."

"1300 hours, General K, which I think plainly means Keitel, informs Chief of Operational Staff and Admiral Canaris, Ribbentrop is being detailed in London. Neurath takes over the Foreign Office. Fuehrer wants to transmit ultimatum to the Austrian cabinet. A personal letter is dispatched to Mussolini, and the reasons are developed which afforded the Fuehrer to take action. 1830 hours, mobilization order is given to the commander of the VIII Army, Corp Area 3, 7th and 13th Army Corps, without reserve army.

"Now, it is to be noted that Defendant Von Neurath was at this critcal hour acting as foreign minister. The previous February the defendant Ribbentrop had become foreign minister, and Von Neurath had become president of the Secret Cabinet Council. But in this critical hour of foreign policy the defendant Ribbentrop was in London handling the diplomatic consequences of the Austrian transaction. As foreign minister in this hour of aggression, involving mobilization and movement of troops, use of force, and threats to eliminate the independence of a neighboring country, the defendant Von Neurath resumed his former position in the Nazi conspiracy." That is the end of the quote.

I now offer in evidence our document C-102 as Exhibit U.S.A. 74, captured German document, top secret, the directive of the Supreme Command of the armed forces, 11 March 1938. This directive by Hitler, initialled by the defendants Jodl and Keitel, stated, "Hitler mixed political and

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military intentions." I quote paragraphs one, four, and five of the directive. First the caption: "The Supreme Command of the Armed Forces.", with some initials, referring to "Operation Otto." Thirty copies. This is the eleventh copy. Top secret.

"1. If other measures prove unsuccessful I intend to invade Austria with armed force to establish constitutional conditions and to prevent further outrages against the pro-German population.

"4. The forces of the Army and Air Force detailed for this operation must be ready for invasion and/or ready for action on the 12th of March 1938 at the latest from 1200 hours. I reserve the right to give persmission for crossing and flying over the frontier and to decide the actual moment for invasion.

"5. The behavior of the troops must give the impression that we do not want to wage war against our Austrian brother; it is in our interest that the whole operation shall be carried out without any violence, but in the form of a peaceful entry welcomed by the population. Therefore any provocation is to be avoided. If, however, resistance is offered it must be broken ruthlessly by force of arms."

I also offer in evidence captured German document C-103 as Exhibit USA 75, special instruction number one, directive, 11 March 1938. This was an implementing directive issued by the defendant Jodl and it provided asffollows:

"Top Secret. General. Forty copies, of which this is the sixth. Special instruction number one to the Supreme Commander of the Armed Forces No 427/38 with some symbols. Directive. Our policy toward Czechoslovakian and Italian troops or militia units on Austrian soil.

"1. If Czechoslovakian troops or militia units are encountered in Austria they are to be regarded as hostile.

"2. The Italians are everywhere to be treated as friends, especially as Mussolini has declared himself disinterested in the solution of the Austrian question. The Chief of the Supreme Command of the Armed Forces, by order of Jodl."

Next, the actual events of 11 March in Austria. The events of 11 March

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1938 in Austria are available to us in two separate documents. Although these accounts differ in some minor details, such as precise words used and precise times when they were used, they afford each other almost complete corroboration. We think it appropriate for this Tribunal to have before it a relatively full account of the way in which the German Government on 11 March 1938 deprived Austria of its sovereignty. First I shall give the report of the day's events in Austria as given by the Austrian Nazis. I refer to document 812-PS, U.S.A. 61, a report from Gauleiter R ner to Reich Commissioner Buerckel, and I shall read from

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page eight of the English version. For the purpose of the German interpreter I am starting following a tabulation: First case; second case; third case; and following the sentence: "Dr. Seyss-Inquart took part in these talks with Gauleiters."

"On Friday, 11 March, the minister Glaise-Horstenau arrived in Vienna after a visit with the Fuehrer. After talks with Seyss-Inquart he went to see the chancellor. At 11:30 a.m. the 'Landesleitung' had a meeting at which Klausner, Rainer, Globocnik, Jury, Seyss-Inquart, Glaise-Horstenau, Fishboeck, and Muhlmann participated. Dr. Seyss-Inquart reported on his talks with Dr. Schuschnigg which had ended in a rejection of the proposal of the two ministers.

"In regard to Rainer's proposal, von Klausner ordered that the government be presented with an ultimatum, expiring at 1400 hours, signed by legal political 'front' men, including both ministers and also State Councillors Fishboeck and Jury, for the establishment of a voting date in three weeks and a free and secret ballot in accordance with the constitution.

"On the basis of written evidence which Glaise-Horstenau had brought with him, a leaflet, to be printed in millions of copies, and a telegram to the Fuehrer calling for help were prepared.

"Klausner placed the leadership of the final political actions in the hands of Rainer and Globocnik. Schuschnigg called a session of all ministers for two p.m. Rainer agreed with Seyss-Inquart that Rainer would send the telegram to the Fuehrer and the statement to the population at three p.m. and at the same time he would start all necessary actions to take over power unless he received news from the session of the ministers' council before that time. During this time all measures had been prepared. At two-thirty Seyss-Inquart phoned Rainer and informed him that Schuschnigg had been unable to take the pressure and had recalled the plebiscite but that he had refused to call a new plebiscite and had ordered the strongest police measures for maintaining order. Rainer asked whether the two ministers had resigned, and Seyss-Inquart answered 'No.' Rainer informed the 'Reichskanzlie' through the German Embassy, and received an answer from Goering through the same channels that the Fuehrer

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will not consent to partial solutions and that Schuschnigg must resign. Seyss-Inquart was informed of this by Globocnik and Muhlmann. Talks were had between Seyss-Inquart and Schuschnigg. Schuschnigg resigned. Seyss-Inquart asked Rainer what measures the party wished taken. Rainer's answer: 'Re-establishment of the government by Seyss-Inquart, legalization of the party, and calling up of the SS and SA as auxiliaries to the police force. Seyss-Inquart promised to have these measures carried out, but very soon the announcement followed that everything might be threatened by the resistance of Miklas, the president. Meanwhile word arrived from the German Embassy that the Fuehrer expected the establishment of a government under Seyss-Inquart with a national majority, the legalization of the party, and permission for the legion (that is the Austrian Legion in Germany) to return, all within the specified time of seven-thirty p.m.; otherwise German troops would cross the border at eight p.m. At five p.m. Rainer and Globocnik, accompanied by Muhlmann, went to the Chancellor's office to carry out this errand.

"Situation: Miklas negotiated with Ender for the creation of a government which included blacks, reds, and National Socialists, and proposed the post of vice-Chancellor to Seyss-Inquart. The latter rejected it and told Rainer that he was not able to negotiate by himself because he was personally involved, and therefore a weak and unpleasant political situation might result. Rainer negotiated with Zernette, Director of the cabinet Huber, Guido Schmidt, Glaise-Horstenau, Legation Councillor Stein, Military Attache General Muffe, and the 'Gruppenfuehrer' Keppler (whose name I told you would reappear significantly) who had arrived in the meantime, were already negotiating. At seven p.m. Seyss-Inquart entered the negotiations again. Situation at seven-thirty p.m.: stubborn refusal of Miklas to appoint Seyss-Inquart as Chancellor; appeal to the world in case of a German invasion.

"Gruppenfuehrer Keppler explained that the Fuehrer did not yet have an urgent reason for the invasion. This reason must first be created. The situation in Vienna and in the country is most dangerous. It is feared that street fights will break out any moment because Rainer

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ordered the entire party to demonstrate at three o'clock. Rainer proposed storming and seizing the government palace in order to force the reconstruction of the government. The proposal was rejected by Keppler but was carried out by Rainer after he discussed it with Globocnik. After eight p.m. the SA and SS marched in and occupied the government buildings and all important positions in the city of Vienna. At eight-thirty p.m. Rainer, with the approval of Klausner, ordered all Gauleiters of Austria to take over power in all eight 'gaus' of Austria, with the help of the SS and SA and with instructions that all government representatives who try to resist should be told that this action was taken on order of Chancellor Seyss-Inquart.

"With this the revolution broke out, and this resulted in the complete occupation of Austria within three hours and the taking over of all important posts by the party.

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"The seizure of power was the work of the party supported by the Fuehrer's threat of invasion and the legal standing of Seyss-Inquart in the government. The national result in the form of the taking over of the government by Seyss-Inquart was due to the actual seizure of power by the party on one hand, and the political efficiency of Dr. Seyss-Inquart in his territory on the other; but both factors may be considered only in the relation to the Fuehrer's decision on 9 March 1938 to solve the Austrian problem under any circumstances and the orders consequently issued by the Fuehrer."

We have at hand another document which permits us virtually to live again through the events of March 11, 1938, and to live through them in most lively and interesting fashion. Thanks to the efficiency of the defendant Goering and his Luftwaffe organization we have a highly interesting document, obviously an official document from the Luftwaffe headquarters headed "Geheime Reichsache," top secret. The letterhead is stamped Reichsluft Fahrtministerium Forschungsamt. If I can get the significance of the German "Forschungsampt" means the "Research Department" of Goering's ministry. The document is in a characteristic German folder, and on the back it says "Gespraeche Fall Oesterreich," "Conversations about the Case on Austria," and the paper cover on the inside has German script writing. In time I will ask the interpreter to read it, but it looks to me as if it is "Privat, Geheime Archive," which is "Secret Archive," Berlin, Gespraeche Fall Oesterreich (Case About Austria). I offer that set of documents in the original file as they were found in the Air Ministry, identified as our 2949-PS. I offer them as Exhibit U.S.A. 76, and I am, in offering them, reminded of Job's outcry: "Oh, that mine enemy would write a book."

The covering letter in that file, signed by some member of this research organization within the Air Ministry, and addressed to the defendant Goering, states in substance--well, I will read the English translation. It starts: "To the General Fieldmarshal. Fieldmarshal. Enclosed I submit, as ordered, the copies of your telephone conversations." Evidently the defendant wanted to keep a record of important telephone conversations which he had with important persons regarding the "Case Austria," and had the

transcriptions provided by his research department. Most of the conversations transcribed and recorded in the volume I have offered were conducted by the defendant Goering, although at least one interesting one was conducted by Hitler. For purposes of convenience our staff has marked these telephone calls in pencil with an identifying letter running from "A" through "Z" and then to "AA". Eleven of these conversations have been determined by a screening process to be relevant to the evidence of this particular time. All the conversations which have been translated have been mimeographed and are included in the document book handed to the defendants. The original binder contains, of course, the original set of conversations. A very extensive and interesting account of events with which we are very much concerned can be developed from quotations from these translated conversations. I turn now to copies of the telephone conversations. The first group in part "A" of the binder took place between Field Marshal Goering, who was identified by the letter "F" for field marshal, and Seyss-Inquart, who was identified as "S". The transcript prepared by the research institute of the Air Ministry is in part in the language of these two persons and is in part a summary of the actual

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conversations. I qpte from part "A" of this binder, and because of the corroborated nature of this transcript and its obvious authenticity I propose to quote this conversation in full.

"F--(hereafter I shall use Goering and Seyss-Inquart)--F. How do you do, doctor? My brother-in-law; is he with you?

"Seyss-Inquart: No.

"Thereupon the conversation took approximately the following turn:

"F: How are things with you? Have you resigned, or do you have any news?

"Seyss-Inquart: The Chancellor has cancelled the elections for Sunday, and therefore he has put S(Seyss-Inquart) and the other gentlemen in a different situation. Besides having called off the elections, extensive precautionary measures are being ordered, among others curfew at eight p.m.

"F: Replied that in his opinion the measures taken by Chancellor Schuschnigg were not satisfactory in any respect. At this moment he could not commit himself officially. Goering will take a clear stand very shortly. In calling off the elections he could see a postponement only, not a change of the present situation which had been broughtabout by the behaviour of the Chancellor Schuschnigg in breaking the Berchtesgaden agreement.

"Thereafter a conversation took place between Goering and the Fuehrer. Afterwards Goering phoned again Seyss-Inquart. This conversation was held at 1505.

"Goering told Seyss-Inquart that Berlin did not agree whatsoever with the decision made by Chancellor Schuschnigg since he did not enjoy any more the confidence of our government because he had broken the Berchtesgaden agreement, and therefore further confidence in his future actions did not exist. Consequently the National Minister, Seyss-Inquart, and the others are being requested to immediately hand in their resignation to the Chancellor, and also to ask the Chancellor to resign. Goering added that if after a period of one hour no report had come through the assumption would be made that Seyss-Inquart would no more be in a position to phone. That would mean that the gentlemen had handed in their resignations. Seyss-Inquart was then

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told to send the telegram to the Fuehrer as agreed upon. As a matter of course, an immediate commission by the Federal President for Seyss-Inquart to form a new cabinet would follow Schuschnigg's resignation."

Thus you see that at 2:45 p.m. Goering told Seyss-Inquart over the phone that it was not enough for Schuschnigg to cancel the elections; and twenty minutes later he telephoned Seyss-Inquart to state that Schuschnigg must resign. That is your second ultimatum. When informed that about an hour later that Schuschnigg had resigned he pointed out that inaddition it was necessary to have Seyss-Inquart at the head of the cabinet.

MR. ALDERMAN: Shall I go into another one?

THE PRESIDENT: I guess we better adjourn now until two o'clock.

(Recess taken from 1235 to 1400).

File copy

Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nuremberg, Germany, on 29 November 1945, 1400-1630, Lord Justic Lawrence, presiding.

MR. ALDERMAN: May it please the Tribunal, a hour later, following the conversation between Goering and Seyss-Inquart, with which I dealt this morning, the defendant Goering telephoned to Dombrowski in the German Embassy in Vienna. I refer to the telephone conversation marked TT on page 2, Part C, of Document 2949-PS. In that conversation, in the first place, the defendant Goering showed concern that the Nazi Party and all of its organizations should be definitely leagalized promptly. I quote from page 2 of the transcript:

"Goering: Now to go on, the Party has definitely been leagalized?

Dombrowski: But that is...it isn't necessary to even discuss that.

Goering: With all of its organizations.

Dombrowski: With all of its organizations within this country.

Goering: In uniform?

Dombrowski: In uniform.

Goering: Good.

Dombrowski: calls attention to the fact that the SA and SS have already been on duty for one-half hour, which means everything is all right."

In addition, Goering stated that the Cabinet, the Austrian Cabinet, must be formed by 7:30 p.m., and he transmitted instructions to be delivered to Seyss-Inquart as to who should be appointed to the Cabinet. I quote from page 3 of the English text of the transcript of the conversation:

"Goering: Yes, and by 7:30 he also must talk with the Fuehrer, and as to the Cabinet, Keppler will bring you the names. One thing I have forgotten. Fishbeck must have the Department of Economy and Commerce.

Dombrowski: That is understood.

Goering: Kaltenbrunner is to have the Department of Security and Bahr is to have the armed forces. The Austrian Army is to be taken by Seyss-Inquart, and you know all about the Justice Department.

Dombrowski: Yes, yes.

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Goering: Give me the name.

Dombrowski: Well, your brother-in-law, isn't that right?"

That is, Subert, the brother-in-law of the defendant Goering.

"Goering: Yes.

Dombrowski: Yes.

Goering: That's right, and then also Fishbeck."

And about 20 minutes later, at 5:26 p.m., Goering was given the news that Miklas, the president, was refusing to appoint Seyss-Inquart as chancellor, and he issued instructions as to the ultimatum that was to be delivered to Miklas. I quote from the telephone conversation between Goering and Seyss-Inquart, in Part E of the folder, the part marked with capital R, pages 1 and 2 of Part E. I'm sorry. I thought the interpreters had the letter marked. They do not, I understand.

"Goering: Now remember the following: You go immediately together with Lt. General Muff and tell the Federal President that if the conditions which are known to you are not accepted immediately, the troops who are already stationed at and advancing to the frontier will march in tonight along the whole line, and Austria will cease to exist. Lt. General Muff should go with you and demand to be admitted for conference immediately. Please do inform us immediately about Miklas' position. Tell him there is no time now for any joke. Just through the false report we received before, action was delayed, but now the situation is that tonight the invasion will begin from all the corners of Austria. The invasion will be stopped and the troops will be held at the border only if we are informed by 7:30 that Miklas has entrusted you with the Federal Chancellorship." There follows in the transcript a sentence which is broken up. "M," - - I suppose that means Lt. General Muff - - "does not matter whatever it might be, the immediate restoration of the Party with all its organizations". There is again an interruption in the transcript. "And then call out all the National Socialists all over the country. They should now be in the streets; so remember report must be given by 7:30. Lt. General Muff is supposed to come along with you. I shall inform him immediately. If Miklas could not understand it in four hours, we shall make him understand

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it now in four minutes."

An hour later, at 6;20 p.m., Goering had an extensively interrupted telephone conversation with Keppler and Muff and Se ss-Inquart. When he told Keppler that Miklas had refused to appoint Seyss-Inquart, Goering said - - I read from Part H - - It is about a third of the way down on the page.

"Goering: Well, then Seyss-Inquart has to dismiss him. Just go upstairs again and just tell him plainly that Seyss-Inquart (S.I.) shall call on the National-Socialists guard, and in five minutes the troops will march in by my order." After an interruption, Seyss-Inquart came to the telephone and informed the defendant Goering that Miklas was still sticking to his old view, although a new person had gone in to talk to him, and there might be definite word in about ten minutes. The conversation proceeded as follows: I quote from page 2 of Part H, beginning about the middle of the page:

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"Goering: Listen, so I shall wait a few more minutes, till he comes back; then you inform me via Blitz conversation in the Reich Chancery as usually, but it has to be done fast. I hardly can justify it as a matter of fact. I am not entitled to do so; if it can not be done, then you have to take over the power all right?

"Seyss-Inquart: But if he threatens?

"Goering: Yes.

"Seyss-Inquart: Well, I see; then we shall be ready.

"Goering: Call me via Blitz."

In other words, Goering and Seyss-Inquart had agreed on a plan for Seyss-Inquart to take over power if Miklas remained obdurate. The plan which was already discussed involved the use of both the National Socialist forces in Austria and the German troops who had been crossing the borders. Later that night Goering and Seyss-Inquart had another conversation at about 11 o'clock. This was after the ultimatum had expired. Seyss-Inquart informed Goering that Miklas was still refusing to name Seyss-Inquart as chancellor. The conversation then proceeded as follows, and I quote from part I of this folder:

"Goering: OK." What's the German word for OK? Shoen. "I shall give the order to march in and then you make sure that you get the power. Notify the leading people about the following which I shall tell you now: Everyone who offers resistance or organizes resistance will immediately be subjected to our court-martial, the court-martial of our invading troops. Is that clear?

"Seyss-Inquart: Yes.

"Goering: Including leading personalities; it does not make any difference.

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"Seyss-Inquart: Yes, they have given the order not to offer any resistance.

"Goering: Yes, it does not matter; the Federal President did not authorize you, and that also can be considered as resistance.

"Seyss-Inquart: Yes.

"Goering: Well, now you are officially authorized.

"Seyss-Inquart: Yes.

"Goering: Well, good luck, Heil Hitler."

I'm sorry; that conversation took place at 8 o'clock instead of 11. I meant to say 8 o'clock. It is quite interesting to me that when the defendant Goering was planning to invade a peaceful neighboring state, he planned to try what he referred to as major war criminals before German court-martial, the leading personalities.

So much for the conversation with respect to the plan of action for taking over power. Then something very significant was sent on that subject over the telephone, at least so far as these transcripts indicate. But there was another historical event which was discussed over the telephone. I refer to the famous telegram which Seyss-Inquart sent to the German Government requesting the German government to send troops into Austria to help Seyss-Inquart put down disorder. A conversation held at 8.48 that night between Goering and Keppler proceeded as follows: I read from page 1 of Part L:

"Goering: Well, I do not know yet. Listen, the main thing is that if Inquart takes over all powers of government that he keeps the radio stations occupied.

"Keppler: Well, we represent the government now.

"Goering: Yes, that's it. You are the government.

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Listen carefully. The following telegram should be sent here by Seyss-Inquart. Take the notes: 'The provisional Austrian Government which, after the dismissal of the Schuschnigg Government, considered it its task to establish police and order in Austria, sends to the German Government the urgent request to support it in its task to help it to prevent bloodshed. For this purpose, it asks the German Government to send German troops as soon as possible.

"Keppler: Well, SA and SS are marching through the streets, but everything is quiet.

THE PRESIDENT: Did you say "quiet"?

MR. ALDERMAN: Quiet.

THE PRESIDENT: In my copy, it is "quick."

MR. ALDERMAN: That is a typographical error. It is "Quiet".

THE PRESIDENT: Yes.

"Everything has collapsed with the professional groups. Now let us talk about sending German troops to put down disorder." The SA and the SS were marching in the streets, but everything was quiet. And a few minutes later, the conversation continued thus, reading from page 2 of Part L:

"Goering: Then our troops will cross the border today.

"Keppler: Yes.

"Goering: Well, and he should send the telegram as soon as possible.

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"Keppler: Well, send the telegram to Seyss-Inquart in the office of the Federal Chancellor.

"Goering: Please show him the text of the telegram and do tell him that we are asking him--well, he doesn't even need to send the telegram. All he needs to do is to say, 'Agreed.'

"Keppler: Yes.

"Goering: He doesn't know me at the Fuehrer's or at my place. Well, good luck. Heil Hitler."

Well, of course, he didn't need to send the telegram because Goering wrote the telegram. He already had it. It must be recalled that in the first conversation, Part A, held at 3:05 p.m., Goering had requested Seyss-Inquart to send the telegram agreed upon, but now the matter was so urgent that Goering discussed the direct wording of the telegram over the telephone. And an hour later, at 9:54 pm. a conversation between Dr. Dietrich in Berlin and Keppler in Vienna went on as follows, reading from Part M:

"Dietrich: I need the telegram urgently.

"Keppler: Tell the General Field Marshal that Seyss-Inquart agrees.

"Dietrich: This is marvelous. Thnak you.

"Keppler: Listen to the radio. News will be given.

"Dietrich: Where?

"Keppler: From Vienna.

"Dietrich: So Seyss-Inquart agrees?

"Keppler: Jawohl."

Next the actual order to invade Austria. Communications in Austria were now suspended but the German military machine had been set in motion. To demonstrate that, I now offer in evidence captured document C-182, offered as Exhibit USA 77, a directive of 11 March 1938 at 2045 hours, from Supreme Commander of the Armed Forces. This directive initialed by General Jodl and signed by Hitler orders the invasion of Austria in view of its failure to comply with the German ultimatum. The directive reads:

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"Top secret. Berlin, 11 March 1938, 2045 hours. Supreme Commander of the armed forces, OKW," with other symbols. "35 copies, 6th copy. C-in-C Navy (pencil note) has been informed. Re: Operation Otto. Directive No. 2.

"(1) The demands of the German ultimatum to the Austrian government have not been fulfilled.

"(2) The Austrian Armed Forces have been ordered to withdraw in front of the entry of German troops and to avoid fighting.

"The Austrian Government has ceased to function of its own accord.

"(3) To avoid further bloodshed in Austrian towns, the entry of the German Armed Forces into Austria will commence, according to directive No. 1, at daybreak on 12.3.

"I expect the set objectives to be reached by exerting all forces to the full as quickly as possible. Signed Adolf Hitler. Initialled by Jodl and by a name that looks like Warlimont."

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And then some interesting communications with Rome to avoid possibility of disaster from that sort. At the very time that Hitler and Goering had embarked on this military undertaking they still had a questionmark in their minds, and that was Italy. Italy had massed on the Italian border in 1934 on the occasion of July 25th 1934, the Putsch Italy had traditionally been the political protector of Austria.

With what a sigh of relief did Hitler at 10:25 p.m. that night inform Price Phillipp von Hessen, his Ambassador at Rome, that he had just come back from the Palazzo Venezia, where Mussolini had accepted the whole thing in a very friendly manner. The situation can really be grasped by the reading of the conversation. The record of the conversation shows the excitement under which Hitler was operating when he spoke over the phone. It is a short conversation, and I shall read the first half of it from Part "H" of the transcript of 2949-PS. I'm afraid Part "H" may be blurred on the mimeographed copy. "H" is Hessen and "F" is the Fuehrer.

Hessen: "I have just come back from Pallazzo Venezia. The Duce accepted the whole thing in a very friendly manner. He sends you his regards. He had been informed from Austria, Schuschnigg gave him the news. He had then said it would be a complete impossibility; it would be a bluff; such a thing could not be done. So he was told that it was unfortunately arranged thus, and it could not be changed any more. The Mussolini said that Austria would be immaterial to him."

Hitler: Then, please tell Mussolini, I will never forget him for this."

Hessen: "Yes." -578-

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Hitler: "Never, never, never, whatever happens. I am still ready to make a quite different agreement with him."

Hessen: "Yes, I told him that, too."

Hitler: "As soon as the Austrian affair has been settled, I shall be ready to go with him through thick and thin; nothing matters."

Hessen: "Yes, my Fuehrer."

Hitler: "Listen, I shall make any agreement - am no longer in fear of the terrible position which would have existed militarily in case we had gotten into a conflict. You may tell him that I do thank him ever so much, never, never shall I forget that."

Hessen: "Yes, my Fuehrer."

Hitler: "I will never forget it, whatever will happen If he should ever need any help or be in any danger, he can be convinced that I shall stick to him whatever might happen, even if the whole world were against him."

Hessen: "Yes, my Fuehrer."

The Tribunal will recall the reference in Jodl's diary to the letter which Hitler had sent to Mussolini. It is dated March 11th. It may be found in the official publication "Dokumente Der Deutschen Politik", Volume 6, 1, page 135, number 24-A. I ask the Court to take judicial notice of it and you will find a translation of it appearing in our document 2510-PS. In this letter, after stating that Austria had been declining into anarchy, Hitler wrote-- and I quote:

"I have decided to reestablish order in my fatherland-- order and tranquility-- and to give to the popular will the possibility of settling its own faith in unmistakable

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fashion openly and by its own decision."

He stated that this was an act of self-defense; that he had no hostile intentions towards Italy. And after the invasion, when Hitler was at Linz, Austria, he communicated his gratitude to Mussolini once more in the famous telegram whichthe world so well remembers. I again cite Documente Der Deutschen Politik, Volume 6, page 145, number 29, the translation of the telegran being in our document 2467-PS, and the document reads:

"Mussolini, I shall never forget you for this."

We now shift our scene from Vienna to Berlin. We have shifted our scene I meant, from Vienna to Berlin. It may now be appropriate to come back to Vienna just long enough to recall that late in the evening of March 11th, President Miklas did appoint defendant Seyss-Inquart as Chancellor. The radio announcement of Seyss-Inquart's appointment was made at 11:15 p.m. This is noted in Dokument Der Deutschen Politik, Volume 6, 1, page 137, number 25-A, and a translation of the announcement is in our document 2465-PS. Then something had to be done in London to smooth things over there and, accordingly, one more act, played on the International scene, is set down in the Air Ministry telephone transcript. On Sunday, March 13, 1938, the day after the invasion, defendant Goering, who had been left in Berlin in charge of the Reich by Hitler, who had gone to his fatherland, phone defendant Ribbentrop in London. I find this conversation very illuminating as to the way in which these defendants operated, using, if I may employ American vernacular, a kind of international "double talk" to soothe and mislead other nations. I quote from Part 1 of item "W" of document 2949-PS.

Goering: "As you know"--speaking to Ribbentrop in

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London-- "As you know, the Fuehrer has entrusted me with the administration of the current government procedures (Führung der Regierungsgeschäfte), and therefore I wanted to inform you. There is overwhelming joy in Austria, that you can hear over the radio".

Ribbentrop: "Yes, it is fantastic, isn't it?"

Goering: "Yes, the last march into the Rhineland is completely overshadowed. The Fuehrer was deeply moved, when he talked to me last night. You must remember it was the first time that he saw his homeland again. Now, I mainly want to talk about political things. Well, this story that we had given an ultimatum is just foolish gossip From the very beginning the National Socialist ministers and the representatives of the people

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(Volksreferenkn) have presented the ultimatum. Later on, more and more prominent people of the Movement Party participated, and as a natural result, the Austrian National Socialist ministers asked us to back them up, so they would not be completely beaten up again and be subjected to terror and civil war. Then we told them we would not allow Schuschnigg to provoke a civil war, under no circumstances. Whether by Schuschnigg's direct order or with consent, the Communists and the Reds had been armed, and were already making demonstrations, which were photographed with "Heil Moskau" and so on, naturally, all these facts caused some danger for Weiner-Neustadt. Then you have to consider that Schuschnigg made his speeches, telling them the Fatherland Front (Vaterlandische Front) would fight to the last man. One could not know that they would capitulate like that, and therefore Seyss-Inquart, who already had taken over the government, asked us to march in immediately. Before we had already marched up to the frontier, since we could not know whether there would be a civil war or not. These are the actual facts which can be proved by documents."

There the defendant Goering was giving to the defendant Ribbentrop the proper line that he should take in London as to how to explain what had happened in Austria. Of course, when the defendant Goering said that his story about this matter could be proved by documents, I don't think he had in mind that his own telephone calls might constitute documents.

Another rather interesting item begins on page 3 of the English text of this Part "W"- - still Goering talking to Ribbentrop in London. This is at the bottom of the page.

"Goering: No, no, I think so, too. Only, I did not know if you spoke already to these people. I want that you once more, - but no, - not at all once more, but generally speaking - tell the following to Halifax and Chamberlain: 'It is not correct that Germany has given ultimatum. This is a lie by Schuschnigg, because the ultimatum was presented to him by Seyss-Inquart, Glise-Horstenau and Jury. Furthermore, it is not true that we have presented an ultimatum to the Federal President, but it also was given by the others, and as far as I know, just a military attache came along, asked by Seyss-Inquart, because of a technical question"- - you will recall that he was a Lieutenant General directed by Goering to go along - "he was supposed to ask whether in case Seyss-Inquart would ask for the support of German troops, Germany would grant this request. Furthermore, I

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want to state that Seyss-Inquart asked us expressively, by 'phone and by telegram, to send troops because he did not know about the situation in Wiener-Neustadt, Vienna, and so on; because arms had been distributed there. And then he could not know how the Fatherland Front might react since they always had had such a big mouth."

"Ribbentrop: Mr. Goering, tell me, how is the situation in Vienna; is everything settled yet?

Goering: Yes. Yesterday I landed hundres of airplanes with some companies, in order to secure the airfields, and they were received with joy. Today the advance unit of the 17th division marches in, together with the Austrian troops. Also, I want to point out that the Austrian troops did not withdraw, but that they got together and fraternized immediately with the German troops, wherever they were stationed."

These are quite interesting explanations that the ultimatum was by Seyss-Inquart alone and not by Goering; that Lieutenant General Muff, the Military Attache, was along just to answer a technical question, and that Seyss-Inquart asked expressively by telephone and telegram for troops. But, perhaps to understand this conversation, we must try to create again the actual physical

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scene of the time and place as Goering talked over the phone. I quote nine lines from page 11 of the English text, about in the middle, Part "W".

Goering: "Well, do come! I shall be delighted to see you."

Ribbentrop: "I shall see you this afternoon."

Goering: "The weather is wonderful here. Blue sky. I am sitting here on my balcony -- all covered with blankets -- in the fresh air, drinking my coffee. Later on I have to drive in; I have to make the speech, and the birds are twittering, and here and there I can hear over the radio the enthusiasm, which must be wonderful over there" -- that is Vienna.

Ribbentrop: "That is marvelous."

May it please the Tribunal, I have practically come to the end of the material relating to the aggression against Austria. In a moment I shall take up quite briefly the effect of the Anschluss, some of the developments which took place after the German troops marched across the border. What is to come after that is an epilogue, but before developing the epilogue, it may be appropriate to pause briefly for just a moment. I think that the facts which I have related to the Tribunal today show plainly certain things about the defendants involved in the conspiracy, and among the conspirators who particularly took action in the Austrian matter were von Papen, Seyss-Inquart, Ribbentrop, von Neurath, and Goering.

First I think it is plain that these men were dangerous men. They used their power without a bridle. They used their power to override the independence and freedom of others. And they were more than bullies squeezing a smaller fold. They were very sly bullies. They compounded their force with fraud. They coupled threats with legal technicalities and devious maneuvers, wearing a sanctimonious mask to cover that duplicity. I think they're dangerous men.

In accordance with the directive of March 11th, our document C-182, U.S. Exhibit "77", the German Army crossed the Austrian border at daybreak, 12 March, 1938. Hitler issued a proclamation to

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the German people announcing the invasion, and purporting to justify it. I refer again to Dokumente der Deutschen Politik, Volume 6, Page 140, Number 27, "The Proclamation of Hitler." The British Government and the French Government filed protests. The German Government and the Austrian National Socialists swiftly secured their grip on Austria. Seyss-Inquart welcomed Hitler at Linz, and they both expressed their joy over the events of the day. Seyss-Inquart in his speech declared Article 88 of the Treaty of St. Germain operative. I refer to the speech of Seyss-Inquart at Linz on 12 March 1938, as contained in the Dokumente der Deutschen Politik, Volume 6, 1, page 144, number 28-A, of which I ask the Tribunal to take judicial notice, and which you will find translated in our document 2485-PS.

For a view of what was happening in Vienna, I offer in evidence our Exhibit L-292, telegram 70, American Legation, Vienna, to the American Secretary of State, 12 March 1938 -- that is L-292, and I offer it as Exhibit U.S.A. 78.

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I quote it in full:

"Secretary of State, Wien.

"March 12, noon.

"Numerous German bombers flying over Vienna dropping leaflets 'National Socialist Germany greets its possession, National Socialist Austria and its new Government in true indivisible Union.'

"Continual rumors small German troop movements into Austria and impending arrival Austrian Legion. SS and SA in undisputed control in Vienna. Police wear Swastika arm bands. Schuschnigg and Schmidt rumored arrested. Himmler and Hess here."

Signed "Wiley."

The law-making machine was put to work immediately on the task of consolidation. For all of this material I shall merely refer the Tribunal to the German sources and to the document number of the English translation, but I think I need not offer these legislative acts in evidence but shall merely invite the court to take judicial notice of them.

First, Miklas was forced to resign as president. I refer to Dokumente der Deutschen Politik, Volume 6-1, Page 147, Number 30-B. Our translation is in our document 2466-PS.

In this connection the Court will no doubt recall Goering's telephone conversation as shown in Document 2949-PS, that in view of Miklas' delay in appointing Seyss-Inquart, Miklas would be dismissed. Seyss-Inquart became both Chancellor and President.

He then signed a federal constitutional law of March 13, 1938 for the reunion of Austria with the German Reich, which in turn was incorporated into the Reich Statute of Reunion, passed the same day, German law. I cite for that the Reichsgesetzblatt 1938, Volume 1, Page 237, Number 21, a translation of which will be found in our Document 2307-PS.

This federal constitutional law declared Austria to be a province of the German Reich. By annexing Austria into the German Reich, Germany violated Article 80 of the Treaty of Versailles, which provided -- by the way, on the constitutional law to which I just

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referred there appear as signatories the following names: Adolf Hitler, Fuehrer and Reich Chancellor; Goering, General Field Marshal, Reich Minister of Aviation; Frick, Reich Minister of the Interior; Von Ribbentrop, Reich Minister of Foreign Affairs; R. Hess, Deputy Fuehrer.

By annexing Austria into the German Reich, Germany violated Article 80 of the Treaty of Versailles, which provides, and I quote: "Germany acknowledges and will respect the independence of Austria within the Frontier, which may be fixed in a treaty between that state and the principal allied and associated powers. She agrees that this independence shall be inalienable."

Similarly, the Austrian action violated Article 88 of the Treaty of St. Germain, which provides: "The independence of Austria is inalienable, otherwise than with the consent of the Council of the League of Nations. Consequently, Austria undertakes, in the absence of the consent of the said Council, to abstain from any act which might directly or indirectly or by any means whatever compromise her independence, particularly until her admission to membership of the League of Nations, by participation in the affairs of another power."

This basic constitutional law provided for plebiscite to be held on 10 April 1938 on the question of reunion, but this was a mere formality. The plebiscite could only confirm the union declared in the law. It could not undo Germany's union with and control over Austria.

To illustrate the way in which legal consolidation was swiftly assured under conditions of occupation of Austria by troops, it is not necessary to do more than review some of the acts passed within the month.

Hitler placed the Austrian Federal Army under his

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own command and required all members of the Army to take an oath of allegiance to Hitler as their Supreme Commander. A translation of the pertinent document will be found in our 2936-PS, and I refer to the instruction of the Fuehrer and Reich Chancellor, concerning the Austrian Federal Army, March 13, 1938, Dokumente der Deutschen Politik, Volume 6-1, Page 150.

Public officials of the province of Austria were required to take an oath of office swearing allegiance to Hitler, Fuehrer of the German Reich and people. Jewish officials as defined were not permitted to take the oath.

I refer to "Decree of the Fuehrer and Reich Chancellor concerning the administration of oath to the officials of the Province of Austria, March 15, 1938," Reichsgesetzblatt, 1938, Volume 1, Page 245, Number 24, the translation being in our Document 2311-PS.

Hitler and Frick signed a decree applying to Austria various Reich Laws, including the law of 1933 against the formation of new political parties, and the 1933 law for the preservation of unity of Party and State.

I refer to "First Decree of the Fuehrer and Reich Chancellor concerning the introduction of German Reich Law in Austria, 15 March 1938," Reichsgesetzblatt, Volume 1, Page 247, Number 25, the translation being in Our Document 2310-PS.

Hitler, Frick and Goering ordered that the Reich Minister of the Interior be the central authority for carrying out the reunion of Austria with the German Reich. I cite the order pursuant to the law concerning the reunion of Austria with the German Reich, March 16, 1932, Reichsgesetzblatt, 1938--that must be 1938--Volume 1, Page 249, Number 25, translated in our 1060-PS.

In connection with Germany's extensive propaganda campaign to insure acceptability of the German regime, it may be noted that Goebbels established a Reich Propaganda Office in Vienna.

I cite "Order concerning the Establishment of a Reich Propaganda Office in Vienna, March 31, 1938," Reichsgesetzblatt 1938, Volume 1,

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Page 350, Number 46, translated in our document 2935-PS.

The ballot addressed to soldiers of the former Austrian Army as "German soldiers" asked the voters whether they agreed with the accomplishment and ratification on March 13, 1938 of the reuniting of Austria with Germany.

I cite "Second Order concerning Plebiscite and Election for the Greater German Reichstag of March 24, 1938," Reichsgesetzblatt, 1938, Volume 1, Page 303, translated in our Document 1659-PS.

The groundwork was fully laid before the holding of the plebiscite "for German men and women of Austria" promised in the Basic Law of March 13.

Then, the importance of Austria in further aggression. Could we run that screen up, or is the chart still behind it? Well, the Court will remember the chart.

The seizure of Austria had now formed that lower jaw to the head of the wolf around the head of Czechoslovakia. Germany's desire to consummate the Anschluss with Austria and its determination to execute that aim in the way and at the time that it did--that is, with threat of military force, quickly, and despite political risk--was due to the importance of Austria in its further plans of aggression.

The conference held November 5, 1937, planning for aggressive war in Europe outlined as objectives in Austria the conquest through expulsion of a million people and the effective increase in fighting strength, in part through the improvement in the Frontier.

I cite again Document 386-PS, US Exhibit 25. Austria was to yield to Germany material resources, and moreover she provided ready cash, taken from the Jews and from the Austrian Government.

One of the first orders passed after the Anschluss was an order signed by Hitler, Frick, Schwerin von Krosigk and Schacht for the transfer to the Reich of the assets of

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the Austrian National Bank. I refer tothe "Order for the Transfer of the Austrian National Bank to the Reichsbank, March 17, 1938," Reichsgesetzblatt, 1938, Volume 1, Page 254, Number 27, translated in our Document 2313-PS.

Austria also yielded human resources. Three months after the Anschluss there was enacted a decree requiring the 21-year old men, Austrian men, to report for active military service. I refer to the decree regarding registration for active military service in Austria during 1938, Reichsgesetzblatt, 1938, Volume 1, Page 631, translated in our Document 1660-PS.

The acquisition of Austria improved the military strategic position of the German Army. I invite the Court's attention to a documentwhich I introduced in the case on preparation for aggression, L-172, Exhibit USA 34, which was a lecture delivered by General Jodl, Chief of the German Staff of the Armed Forces, on 7 November, at Munich, to the Gauleiters. Only one page of that lecture appears in this particular document book, and I quote from one paragraph on Page 5 of the English text, which is Page 7 of Jodl's lecture, which reviewed the situation in 1938:

"The Austrian 'Anschluss', in its turn, brought with it not only the fulfilment of an old national aim but also had the effect both of reinforcing our fighting strength and of materially improving our strategic position. Whereas up till then the territory of Czechoslovakia had projected in a most menacing way right into Germany (a wasp waist in the direction of France and an air base for the Allies, in particular Russia), Czechoslovakia herself was now enclosed by pincers. Its own strategic position had now become so unfavourable that she was bound to fall

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a victim to any attack pressed home with rigour before effective aid from the West could be expected to arrive."

The Nazi conspirators were now ready to carry out the second part of this second phase of their aggression and to take over Czechoslovakia.

Locically, if the Tribunal please, we should proceed at this point with the story about Czechoslovakia. For reasons that I explained earlier in the week we have had to change our plans somewhat from a strictly logical order, and the plan at present is that on Monday I shall go forward with the Czechoslovakian part of the aggressive war case.

At this point it is planned by our staff to show a motion picture, and it will take some few minutes to make physical aggangements in the courtroom, so that if the Court should feel like recessing those arrangements could be made.

THE PRESIDENT: Could you tell me how long the showing of the picture will take?

MR. ALDERMAN: My understanding is about an hour.

THE PRESIDENT: We will adjourn for ten minutes then, shall we now, or until the picture is ready.

(Whereupon at 3:15 p.m., a short recess was taken)

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COLONEL STOREY: Mr. President, if the Tribunal please, sir, supplementing what Mr. Alderman has said, we have had to adjust our presentation to some extent. Tomorrow morning, the witness will be offered for interrogation. Then Mr. Alderman on Monday and Sir Hartley Shawcross will make the opening statement for the British Empire on Tuesday morning.

The film this afternoon, at the request of the defendants' counsel, made in writing to the Court, has been exhibited to defendants' counsel day before yesterday evening in this court room. I personally requested Dr. Dix to convey the invitation to defense counsel to witness the film. Eight of them came. Dr. Dix advised me kindly that he would not come unless he was forced to come.

I now present Mr. Dodd, who will have charge of the presentation.

MR. DODD: If it please the Tribunal, the prosecution for the United States will at this time present to the Tribunal, with its permission, a documentary film on concentration camps. This is, by no means, the entire proof which the prosecution will offer with respect to the subject of concentration camps, but this film which we offer represents in a brief and unforgettable form an explanation of what the words "concentration camp" imply.

This subject arises appropriately in the narrative of events leading up to the actual outbreak of aggressive war, which, as Mr. Alderman's presentation shows, was planned and prepared by the Nazi conspirators. We propose to show that concentration camps were not an end in themselves but, rather, they were an integral part of the Nazi system of government. As we shall show, the black-shirted guards of the SS and the Gestapo stood ranged behind the official pages of the Reichsgestzblatt.

We intend to prove that each and every one of these defendants knew of the existence of these concentration camps; that fear and terror and nameless horror of the concentration camps were instruments by which the defendants retained power and suppressed the opposition to any of their policies, including, of course, their plans for aggressive war. By this means they enforced the controls imposed upon the German people, as required to execute these plans and obliterated freedom in Germany and in the countries invaded and occupied by the armies of the Third Reich.

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Finally, we ask the Tribunal in viewing this film to bear in mind the fact that the proof to be offered at a later stage of this trial will show that on some of the organizations charged in this indictment lies the responsibility for the origination, the control and the maintenance of the whole concentration camp system. Upon the SS, the SD--a part of the SS which tracked down the victims--upon the Gestapo, which committed the victims to the camps, and upon other branches of the SS which were in charge of the atrocities committed therein.

Commander James Donovan will introduce the film with a statement explaining its source and its authenticity. Commander James Donovan.

COMMANDER DONOVAN: May it please the Tribunal, I refer to Document Number 2430 PS, concerning the motion picture entitled "Nazi Concentration Camps" and to the affidavits of Commander James B. Donovan, Lt. Colonel George C. Stevens, Lieutenant E. R. Kellogg and Colonel Erik Tiebold contained therein. The affidavits of Colonel Stevens and of Lieutenant Kellogg are also contained in the motion picture, and thus will be in the record of the Tribunal. With the permission of the Tribunal, I shall now, however, read into the record those affidavits not appearing in the film.

THE PRESIDENT: In the absence of any objection by the defense counsel, we don't think it is necessary to read these formal affidavits.

COMMANDER DONOVAN: Yes, sir. The United States now offers in evidence an official film, a documentary motion picture report on Nazi Concentration Camps. This report has been compiled from motion pictures taken by Allied military photographers as the Allied armies in the West liberated the areas in which these camps were located. The accompanying narration is taken directly from the reports of the military photographers who filmed the camps.

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While these motion pictures speak for themselves in evidencing life and death in nazi concentration camps, proper authentication of the films is contained in the affidavits of the United States Army and Navy officers to which I have referred.

As has been stated, this motion picture has been made available to all defense counsel and they possess copies in their information room of the supporting affidavits duly translated.

If the Tribunal please, we shall proceed with the projection of the film.

Document 2430 PS is United States Exhibit 79.

(Whereupon, projection of the film was commenced. The affidavits set forth herein were also projected on the motion picture screen as part of the aforesaid film.)

"I, George C. Stevens, Lieutenant Colonel, Army of the United States, hereby certify:

"1. From 1 March 1945 to 8 May 1945 I was on active duty with the United States Army Signal Corps attached to the Supreme Headquarters, Allied Expeditionary Forces, and among my official duties was direction of the photographing of the Nazi concentration camps and prison camps as liberated by Allied forces.

"2. The motion pictures which will be shown following this affidavit were taken by official Allied photographic teams in the course of their official duties, each team being composed of military personnel under the direction of a commissioned officer.

"3. To the best of my knowledge and belief, these motion pictures constitute a true representation of the individuals and scenes photographed. They have not been altered in any respect since the exposures were made. The accompanying narration is a true statement of the facts and circumstances under which these pictures were made.

"(Signed) George C. Stevens, Lieutenant Colonel, AUS.

"Sworn to before me this 2nd day of October, 1945.

(Signed) James P. Donovan, Commander, United States Naval Reserve."

"I, E. R. Kellogg, Lieutenant, United States Navy, hereby certify that:

"1. From 1929 to 1941 I was employed at the Twentieth Century Fox Studios in Hollywood, California, as a director of film effects, and am

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familiar with all photographic techniques. Since 6 September 1941 to the present date of 27 August, 1945, I have been on active duty with the United States Navy.

"2. I have carefully examined the motion picture film to be shown following this affidavit and I certify that the images of these excerpts from the original negative have not been retouched, distorted or otherwise altered in any respect and are true copies of the originals held in the vaults of the United States Army Signal Corps. These excerpts comprise 6,000 feet of film selected from 80,000 feet, all of which I have reviewed and all of which is similar in character to these excerpts.

"(Signed) E. R. Kellogg, Lieutenant, United States Navy.

"Sworn to before me this 27 day of August, 1945. (Signed) John Ford, Captain, United States Navy."

(Following the showing the aforementioned motion picture film, the following proceedings were had.)

COLONEL STOREY: That concludes the presentation.

(Whereupon, at 1630 hours the hearing of the Tribunal adjourned to reconvene on 30 November 1945 at 1000 hours.)